

THE CINCINNATI DAILY STAR.

VOL. 10. TEN CENTS PER WEEK.

FRIDAY EVENING, DECEMBER 1, 1876.

SINGLE COPY TWO CENTS NO. 129

AMUSEMENTS.

WOOD'S THEATER.

THIS FRIDAY EVENING, December 1, benefit and last night but one of
MISS KATIE PUTNAM,
In an entirely new comedy entitled
TOT,
THE MATCH GIRL.
Next week—MR. JOHN T. RAYMOND as Col. Mulberry Sellers.

GRAND OPERA-HOUSE.

E. E. J. MILLS, Manager.
Benefit and last night but one of the Great Artist, **MISS NELSON, THE HUNCHBACK** Julia, Miss Nelson. Saturday evening, last performance, **ROMEO AND JULIET**. Regular Matinee Saturday—**THE SILENT**. Admission to all parts of the house 50c. Monday, December 4—**MR. JOSEPH MURPHY**, in "Kerry Gow."
NOTICE—The Theatrical Troupe on the Little Miami Railroad will wait on Saturday evening until after the performance of Romeo and Juliet.

PREFERRED SPECIALS.

Dyeing and scouring at Walker's, 61 E. 2d.

TARK'S AVENUE BAZAR.

Side seating made to order; double footing reaching 6th. 315 Central avenue, opposite Ninth street.

GROCERIES, &c.

OLIVER BROWN,

WHOLESALE AND RETAIL DEALER
In Groceries and Grocers, 575 West Fifth street.
Wholesale Oyster House, 18 East Fifth street, Cincinnati, Ohio. Tel. 121.

STEAMBOATS.

For Wheeling.

FRIDAY, 1st, at 5 P. M. POSITIVELY.
ANDERSON, Chas. Masterman. Master. Apply on board, or to Messrs. J. M. McCune, Agents.

For Kanawha.

SATURDAY, 2d, at 5 P. M. POSITIVELY.
VIRGINIA, J. V. Reynolds, Master. Apply on board or to Geo. C. Charter, J. C. Dorman & Co., Agents.

For Pomeroy.

THIS DAY, 1st, at 5 P. M. POSITIVELY.
EXCHANGE, Jas. K. Kierker, Master. Freight received at all hours on Wharf-boat, foot of Broadway. W. Houshelt, Superintendent.

For Huntington.

THIS DAY, 1st, at 4 P. M. POSITIVELY.
THE C. & O. R. PACKET BOSTON, A. Bryson, Master. Freight received at all hours on Wharf-boat, foot of Broadway. W. Houshelt, Superintendent.

For Ohio.

DAILY, 1st, at 4 P. M. POSITIVELY.
CITY OF PORTSMOUTH, S. Morgan, Master. Freight received at all hours on Wharf-boat, foot of Walnut street.

For Vevay.

MONDAY, WEDNESDAY and FRIDAY, at 3 P. M.
BANNOCK CITY, J. W. Kirby, Master. Apply on board, or to A. Kennell's, corner Main and Water streets.

For Louisville.

THIS DAY, 1st, at 5 P. M. POSITIVELY.
THE U. S. Mail Steamer UNITED STATES, Ben. M. Merriam, Master. Freight received at all hours on Wharf-boat, foot of Vine street. R. A. Wade, Superintendent.

For Memphis.

SATURDAY, 2d, at 5 P. M. POSITIVELY.
JAS. W. GAFF, R. W. Wise, Master. Apply on board, or to Messrs. J. M. McCune, Agents on S. O. Wharf-boat.

For New Orleans.

SATURDAY, 2d, at 5 P. M. POSITIVELY.
A. G. O'NEILL, H. H. Hart, Master. Apply on board, or to Messrs. J. M. McCune, Agents on S. O. Wharf-boat.

FOR RENT-ROOMS.

FOR RENT—ROOMS—Furnished rooms, and meals tickets for sale; 21 meals, \$1.00; lodging 2 and 30c; meals at all hours. 192 W. Sixth street. Tel. 121-122.

WANTED—MISCELLANEOUS.

WANTED—TO EXCHANGE—A pair of No. 1 Shirley glasses, nearly new, for an opera glass. Address SKATES, this office. Tel. 121-122.

WANTED—THE LADIES TO KNOW—

That they can get the latest Parisian styles in trimmings and bonnets at reasonable prices at **MRS. J. S. ZIMMERMAN'S**, 218 West Fourth street, west of Plum. Tel. 121-122.

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WANTED—YOUR HATS OF

MARTIN, at 424 W. Fifth st. Tel. 121-122.

WANTED—HOUSES TO BOARD—

For the winter in the country. Terms cheap. For information apply to O. L. STAHL, at S. & McKel's stable, southwest corner of Fifth and Sycamore. Tel. 121-122.

FOR SALE.

FOR SALE—CHEAP—Confectionery and cigar store. Apply at 117 Twelfth street. Tel. 121-122.

FOR SALE—FEATHERS—

Large 4 1/2 lb. pillows, \$1 each; 3 1/2 lb. baby, \$1; choice feathers, the per lb. 12c. W. MOHRMAN, 21 W. Sixth street, between Main and Walnut, fourth floor. Tel. 121-122.

FOR SALE—FLOUR—

Families or groceries in want of good flour—warranted to give satisfaction—can be supplied by going to the **WEST-END MILLS**. Your orders are solicited. Delivery from **JAMES K. HUBBARD**, sixth street, between Baymiller and Freeman. Tel. 121-122.

FOREIGN.

DESTRUCTIVE FIRE IN YEDDO.
YOKOHAMA, Dec. 1.—A great fire has occurred at Yeddo, and the principal part of the foreign quarters has been destroyed.

VIRGINIA, Dec. 1.—

The Moscow Gazette says that subscriptions have been opened in Moscow and other towns to buy American privateers to prey upon English vessels.

SILVER ADVANCING.

LONDON, Dec. 1.—Silver bars are firm and advanced to 55 pence per ounce.

Third Edition

STILL SEARCHING.

The Louisiana and Florida Returning Boards Continue Their Work.

The End at Last Supposed to be at Hand.

South Carolina Legislators Spend the Night Sleeping, Smoking and Conversing.

Latest from all the Points of Interest.

The South Carolina Situation.

COLUMBIA, Dec. 1.—2 P. M.—United States troops have not interfered. The Democratic Representatives from Edgefield and Laurens are still in their seats. It is now likely a sufficient number of Republicans will unite with the Democrats, in which event the entire matter will be settled.

WASHINGTON, Dec. 1.—Up to 11 o'clock to-day neither Department of the Government has received any advice from South Carolina. General Ruger this morning telegraphed General Sherman a detailed account of the situation at Columbia, including the new phase of the situation consequent upon the action of the Democrats in securing possession of the Hall of Representatives. Gen. Ruger asks for further instructions.

The dispatch was forwarded to Secretary Cameron, and by him sent to President Grant, who sent to the Attorney General for a report as to how far the law will permit the military to go in the direction of clearing the halls and placing the Republican Legislature again in possession. It is not probable that Gen. Ruger will take any action in the premises until he receives further orders from Washington. The Attorney General and the Solicitor General have been in close consultation for the past three hours looking over the United States Statutes and preparing a report, which will be submitted to the President and the Cabinet meeting at noon.

THIS MORNING'S NEW YORK PAPERS.

The Herald.
NEW YORK, Dec. 1.—The Herald has a column and a half double-headed editorial inquiring into the motive of President Grant in interfering with the South Carolina Legislature in violation of the Constitution. It revives the question of secession, and insinuates that he is using the military to keep himself in power. It says Calhoun has expressed the opinion that crisis may arise which will make it the duty of General Grant to hold over till there can be another Presidential election. He suggested a possibility of election to revive the long cherished ambitious hopes which seemed to have been extinguished when affairs took a turn last winter. As predicted a renomination of President Grant by the Republican National Convention. The President has an obvious motive for getting things into such a muddle as to require his intervention. If Hayes should be declared elected, in spite of a general belief that Tilden is entitled to the place, Grant will have every advantage for perpetuating his own power. If he can get Hayes counted by a fraud, it is by no means a wild expectation that the Democratic House of Representatives will resist, and Grant can then give such a shape to the controversy as will afford him a pretext for keeping possession of the Government until another Presidential election.

The Times.
editorially commenting on the duty of the Federal power in the present crisis in South Carolina, contends that the presence of the troops was and is still necessary to prevent anarchy. It holds that it is the duty of the Federal Government to interfere to enable the State Government to uphold its authority, and that Wade Hampton can be regarded only as the leader of an insurrection against the State authority. When the President undertook to do this, he was afraid to finish. His interference is in the service not of party but of order, and it can operate adversely to the Democratic interests only because they are in this instance identified with a lawless and revolutionary policy.

South Carolina.

COLUMBIA, S. C., Dec. 1.—The Democratic House left Columbia Hall at 11:30 yesterday in a body, and proceeded to the State-house. They went in unopposed by the soldiers, and going up stairs, proceeded to the Hall of the House and took their seats. The Democratic Speaker took the Chair, and the body waited until the hour of 12 o'clock, to which the Republican House had adjourned over. It is understood that General Ruger, becoming convinced of his error in excluding the Democrats, under the misunderstanding of their situation, consented not to interfere with the Democrats in taking their seats. A large crowd of negroes assembled in the rotunda and in outside the hall of the House. All whites but members of the House and the leaders are keeping away. The Republican members and their Speaker at 1 o'clock came into the hall. Speaker Wallace, Democrat, took the Chair. Speaker Mackey, Republican, was also on the stand, both presiding over the two bodies. Both sides were speaking, and there was confusion worse confounded.

Neither House was able to transact any business, on account of the noise. Gen. Ruger sent a staff officer to Speaker Wallace, notifying him that the members

from Edgefield and Laurens Counties must retire. Gen. Hampton and others then addressed a protest to Gen. Ruger, reminding him that according to the published orders the military was not to interfere unless there was a collision.

NEW YORK, Dec. 1.—A Herald special from Columbia, S. C., says both Houses were still in session at 1 A. M., sleeping, smoking, conversing, and making speeches. Both parties are holding the fort. The Democrats know if they go out they will not be readmitted, and they prefer to stay until noon today, when the Laurens and Edgefield delegations will doubtless be ejected by the Federal soldiers.

Florida.

TALLAHASSEE, Dec. 1.—In the Board of Canvassers yesterday Baker County was taken up. The Democratic managers called attention to the fact that the second return from Baker, besides the points of illegality brought against it yesterday, was signed by a Justice of the Peace appointed since the election; that it was not certified to in the County Clerk's office, and that the County Clerk was not summoned to attend the canvass upon which it was based, and that the official precinct returns were omitted from that return and a false result reached.

The Alachua County testimony was listened to with great interest. The Democrats first offered testimony to show that the alleged affidavit from Green R. Moore, purporting to deny certain facts in another affidavit he had made, was dated and executed on the 30th, while the affidavit he proposed to retract and correct was dated and executed on the 23d. They then pronounced the affidavit purporting to be from Floyd Dukes a square forgery. They then introduced Moore and Dukes as witnesses. Moore swore specifically that all points in his affidavit of the 23d were true; that he had stated the facts therein contained openly, time and again; that he was Inspector at Archer, and that only 316 votes were cast or counted; that 555 votes were not cast; that he signed the election certificate in blank, not thinking there could be any dispute; that he was approached the other day by Barnes, the Republican Sheriff of the county, who offered him \$100 if he would sign a paper, in which he had to swear to it, he would not; he then signed it and received the money; this paper was the one produced by the Court as a counter-affidavit. Floyd Dukes, colored, swore that he was Inspector at Archer Precinct; that only 316 votes were cast; that he can not read or write, and that he never signed a paper saying 555 votes were cast. Upon the counter-affidavit alleged to have been signed by him being read, he swore he did not sign it; that Ex-Congressman Wales and Justice Boston came to his house to get him to sign it, and offered him \$25 if he would sign it, but he refused to do so.

The Democrats in called attention to the fact that in affidavits from several hundred negroes, swearing that they voted at Archer Precinct, eleven names appear in two places, two names of men long since dead, and two names of men proven to have voted elsewhere. The Republicans submitted objections to two negroes, Columbus County, alleging that the Democratic Inspector industriously changed the ballots when they were handed to him, and that negroes were taken by three Democrats into a swamp a week before the election, and after various outrages, were made to swear on their knees that they would vote the Democratic ticket.

For the production of papers in other cases, the Board adjourned.

Louisiana.

[From Reel's New Orleans special to the Commercial.]

In twenty uncontested parishes the votes stand, Tilden 19,931, Hayes 27,093. In the contested parishes the vote stands, Tilden 39,112, Hayes 28,516; Orleans, Tilden 23,338, Hayes 18,871. Total, Tilden 59,043, Hayes 45,964. Seven parishes not yet made public will not materially change the figures; five of them are Democratic and two Republican. Tilden is at least 10,000 ahead on the face of the returns. Everything included, he is not far from 12,000 ahead, as the Democrats figure it to-night.

If the Board gives the State to Hayes, as they likely will, they will have to throw out liberally in all the contested parishes.

Northern Republicans have been engaged today in making a rough draft of a letter to the President, giving the result of the investigation. Each hundred-parish has been allotted to one committeeman, who has made it his business to inform himself about it.

[From New Orleans Special to the Enquirer.]

It is current rumor to-night that there is a dead lock in the Returning Board between the white and negro members. Cassanova and Kenner, the colored members, are not in sympathy. It seems with the arbitrary and partisan ruling of Wells, and now have stated their determination not to sustain him and Anderson in their evident intention to wipe out the Democratic majority by throwing out parishes and points by the wholesale to cut down Democratic majorities and count in the Republican ticket. Kellogg, Packard and the Republican Congressional Delegation Committee are apprised of this, and are in a terrible state of excitement to-night, devising ways and means to circumvent the ploys of Cassanova and Kenner, if they have any. Their first move in that line will be to get a Republican elected as a fifth member of the Board, and count in the Republican ticket. They will nominate Hugh J. Campbell, Judge of one of the District Courts, and who has some influence with Kenner, and in case of his election, having a majority, they will defeat Cassanova and Kenner. These two men have, it is said, been surprised at the large Democratic majorities given in the parishes, and are of the opinion that the country will not submit to so flagrant an act of injustice as the wiping out of the Democratic majority or the counting in of the Republican candidates. Taking all things into consideration, the situation to-night, so far as Louisiana is concerned, is not so cheerful or encouraging for the Republicans.

FROM THE NATIONAL CAPITAL.

WASHINGTON, Dec. 1.—The Democrats are to have a National organ here to be called the Constitutional Union. The first number will probably be issued on Monday next from the establishment of

the Messrs. Rives, publishers of the late Congressional Globe. W. W. Corcoran, E. G., is understood to be one of the financial backers of the concern, and a corps of able writers will be engaged.

The Military Action in South Carolina.

The action of the United States military force in Columbia, South Carolina, on Tuesday, the 28th inst., was not in accordance with instructions sent Gen. Ruger from Washington. The placing of the military in charge of the State-house for the purpose of examining the certificates of members of the Legislature, is disavowed here. The President is quoted as saying that the orders under which Gen. Ruger was acting did not warrant the performance. Gen. Sherman is also quoted as expressing the same opinion as the President. An officer of the army, just arrived from Columbia, says Gen. Ruger's directions to his subordinates in immediate command of troops did not contemplate anything further than a preservation of the peace. It is very likely the affair will be investigated by the Government, and the responsibility placed where it belongs.

The Speakership.

About a dozen Congressmen arrived here yesterday, but there is not yet a sufficient number in the city to canvass the probabilities as to the Speakership of the House. It has been assumed that Mr. Tilden would indicate his preference, and that the man of his choice would be elected, but so far there is no indication that he intends to interfere in the matter at all. Should he do so, however, such is the confidence of the Democrats in his judgment that they would not doubt comply with his wishes. The statement that the Southern members are pledged to this or that candidate is utterly without foundation. They are unpledged, but a majority no doubt favor Mr. Randall because of his able and successful leadership during the Reconstruction. One of the candidates is known to have addressed members by letter before coming to Washington, asking for their votes, but the others, it is believed, will simply let their names go before the caucus for his action.

It is evident there is to be no wrangling and the canvass will be very quiet. The only importance attaching to the position now is that it will be stepping-stone to the Speakership of the next House. The Speaker for this season will have no patronage, but it is regarded as essential that he should be a man of nerve in view of the contingencies which may arise in the counting of the Electoral Vote. The leading candidates—Messrs. Randall, Morrison, Sawyer and Cox—are all here. The name of Fernando Wood has been mentioned, but it is not known positively that he is a candidate. The chances of the four gentlemen mentioned above are believed to be in the order in which they are given, Mr. Randall occupying the front and Cox the rear.

General Ruger.

has to-day been in communication with the authorities here by telegraph, and it is supposed he is now acting under instructions from here. General Sherman, Secretary Cameron and Attorney General Tait have been applied to for information as to what instructions the Government had issued to General Ruger, also as to what course the Government will pursue in dealing with the rival parties at Columbia; but they all declined to give any information on the subject.

NEWS FROM THE METROPOLIS.

Old Winter.

NEW YORK, Dec. 1.—This morning is intensely cold, and a sharp wind blowing. The thermometer has fallen to eighteen degrees above zero. This is the lowest temperature yet experienced this season, and winter has begun in earnest.

Tired of the Law.

The Herald has information from an intimate friend of Tweed that the latter, having been placed by lawyers of many of all his property, has now determined to dismiss all his counsel and allow the law to take its own course. He has had fifteen or twenty lawyers, and all of them made piles of money out of him. Tweed's son, a member of the bar, will probably represent him when his case is called in court. It is impossible to say what property, if any, Tweed has left, and there is no chance for Tweed to regain his liberty by pleading voluntary bankruptcy and having his case transferred to the U. S. Court.

The Forthcoming Message.

WASHINGTON, Dec. 1.—The President has completed his annual message, and copies are now being prepared by the Executive Clerks for transmission to Congress and for the press. The message will be read at a Cabinet meeting to-day.

It is somewhat larger than any of President Grant's previous messages, considerable space being devoted to a statement of all important questions which at present agitate the public mind, and the causes which led to the Government sending troops to South Carolina and Louisiana.

DESTRUCTIVE FIRES RAGING.

In Santander.

MADRID, Dec. 1.—A destructive fire is reported raging in Santander. The Cathedral is threatened.

In New Orleans.

NEW ORLEANS, La., Dec. 1.—A large fire is raging here. It broke out this morning at the corner of St. Bernard and Claiborne streets, and has reached and crossed Esplanade street, destroying three blocks, and is still spreading. The losses will be heavy.

Fire in Chicago.

CHICAGO, Dec. 1.—A destructive fire occurred at a late hour last night. The principal losers are Sherman, Hall & Co., wool dealers, \$125,000; George Ross, dealer in teas \$50,000; also several other firms. Total loss over \$200,000.

Winter.

HARTFORD, CONN., Dec. 1.—The weather here is very cold, the thermometer indicating eight degrees above zero. The Connecticut River will probably close to-day.

Main Exposition Building Sold.

PHILADELPHIA, Dec. 1.—The main Exposition building was bought to-day by the International Exhibition Company for \$250,000.

LATEST LOCAL.

An inquest will be held this evening on the body of Anna Danmeyer, two weeks old, who was found dead in bed this morning at her parents' home, on Oakbridge street, near Pendleton.

One of H. Cavagna's double teams ran away on Third street this morning, and in its mad flight upset a buggy and other vehicles with which it came in contact. No damage to life or limb, but the wagon is a wreck.

JIM BURNS alias E. C. Barton, an expert Chicago thief, was sent to the Work-house for thirty days by Judge Lindemann this morning. Jim was caught Wednesday by Detective Charles Wapenstein soon after he had beat a Pennsylvania farmer out of \$45 by means of the old reliable confidence dodge.

J. F. TOBE, a tailor who lives at No. 32 Build street, was arrested by Officers J. W. Young and Wm. Jones and lodged in the Central Station. He is accused of cutting with intent to kill H. Vonderheide the other day on Freeman street, between Sixth and George streets, man of which has been made in the daily papers. Vonderheide is still confined to his bed, and is in quite a serious condition. Tobie claims that the cutting was done in self-defense, and that he and Vonderheide were both under the influence of tangle juice.

MINNIE WOLF, the elephantine high-flyer who runs the "needle factory," can get no more warrants issued from the office of the Police Court. Time and time again she has sworn out affidavits against her fancy man, Charles Smith, a worthless dead-beat who wears good clothes and lives upon the infamous profits of Minnie's den; and when the cases are called she fails to show up. It was the same old story again this morning. This time Charles was accused of mashing up \$30 worth of furniture during a fit of jealousy. That case had to be dismissed for want of prosecution. Then Officer Higgins preferred a charge of vagrancy against Charles, on which he was sentenced to the Work-house for thirty days. His counsel made a motion for a new trial, and the execution of the sentence was suspended until next Saturday week.

LOCAL PERSONALS.

W. W. RUSK, Esq., left for Columbus this morning.

MAJOR C. H. BLACKBURN has moved his office up town.

MR. ADOLPHE VOIGT, editor of the Mt. Sterling (O.) News, is in the city.

SENATOR JOHN W. STEVENSON, of Kentucky, leaves for Washington to-night.

MR. SAMUEL HARTLEY, a pioneer of College Hill, is dead, at the age of seventy-six.

COL. H. H. DAVIS has again resumed his position as proprietor of the Walnut-street House.

COL. TOM SCOTT, of the Pennsylvania Central, with a party of friends, will arrive in the city at 8 o'clock this evening.

MR. JOHN HOWARD and Miss AGNES DAVIS, of Owen County, Ky., were married yesterday morning by Squire Evert, at the Galt House.

MR. E. H. WALDRON has resigned the Superintendency of the Ohio & Mississippi Railroad. Mr. E. H. GRAVES is acting in that capacity.

J. GARRY KNIGHT, son-in-law of S. S. DAVIS, Esq., died yesterday morning of pneumonia. He leaves a young wife and one child. The funeral will take place next Sunday.

BILL GALL'S DEATH.

Freiheit, the Conductor, Not to Blame.

The testimony in the William Gall tragedy was resumed at 10 A. M. to-day. The first witness sworn was G. L. Lupton, who testified as follows: I was on car No. 16, on my way to dinner; have known the deceased for ten years; know nothing of his habits; he (Gall) passed the car on John, near Liberty, going north; he drove in front of the car then and went at a slow walk; when the car reached Findlay the driver got off to go to dinner, and the conductor took charge of the horses, after which the deceased and the conductor commenced passing words of an angry nature; did not hear what they were. My opinion is that the deceased kept the track to retard the progress of the car. On reaching L. and Findlay the deceased turned off north, and the tongue of the car struck his wheel. Gall and his son got off the wagon, and ran after it; Gall ran about fifty feet and then gave chase; his son ran some distance further and threw something at the car, but did not hit it.

John Sculley testified that he was walking along Bank street, when he heard some one halloo; turning around he saw the deceased holding to the front platform of the car with his feet on the ground. This was just as the car was turning from Baymiller into Bank street.

Mathias Hulsinger testified to the same statements made by the above witnesses.

John W. Charles testified that he never saw the deceased under the influence of liquor, nor in any difficulty. "I got on the car about 12 o'clock. I noticed the deceased driving in a slow trot. Heard no words. Saw Gall leave the sidewalk with a black whip in his hand. As soon as the driver saw him, he urged his horses forward. The car had passed about one hundred feet further, and the deceased caught up with it. I do not know whether he caught hold of the car, he ran alongside of the car, struck twice at the driver with his whip and then disappeared. I then felt two distinct jolts as the car passed over him. I am of the opinion that no one is to blame for Gall's death."

Jas. Maher testified that Gall struck three times at the driver with his whip, and in his last attempt to strike fell under the car. The conductor is not to blame, as he attended to his horses.

Dr. John G. Albers submitted his post-mortem examination.

John Cutler testified to the same as the above witnesses.

William Freiheit, the conductor, was then sworn, and gave his testimony as follows: Live at 139 Bank street; am a conductor in the employ of the Consolidated Street Railroad Company. The first I saw of the deceased was when he was behind the car on S. 1st street. He followed the car until he turned off at Liberty; he then drove in front; when I turned Bank street I looked around and saw the deceased running

alongside of the car, towards the front platform; as soon as he got close to me he struck me with his whip and hit me on the shoulder; he did not get on the platform; as he attempted to strike me the second time my horse became frightened because some one hit them, with a bowlder; I had to attend to them, and did not see the deceased after that; I said nothing to him.

The case was then given to the jury, who brought in a verdict that the deceased came to his death from injuries, the result of street car No. 12, Johna street line, passing over his head, crushing the skull into the brain. We exonerate the driver from all blame, but condemn the street car company for not furnishing an extra man during the hours when conductors or drivers are absent at meals.

The case of Wm. Freiheit, the conductor, comes up Saturday in the Police Court.

CONTESTED ELECTION CASES.

City Clerk Rohrer not in Contempt.

Esquires Dossman and Rowkamp, the Justices of the Peace before whom the evidence is being taken to be used before the Common Pleas Courts in the contested election cases, this morning delivered their opinions as to the matter of the contempt against Richard C. Rohrer, City Clerk, as follows:

"SQUIRE A. DOSSMAN"

said in the above case, as well as others in which the same questions are involved, the contempt has been applied to the Justice and preferred charges against the said Richard C. Rohrer, City Clerk of Cincinnati, as for a contempt in his refusal to diligently and carefully search for, examine and produce the ballots as he received them from the Judge of the Second Precinct of the First Ward of said city of Cincinnati, as cast on the 19th day of October, 1876, for county and State offices. Desirous of doing my duty under the statute, I have sought all the light I could get on the subject, and after careful consideration have come to the conclusion that the statute regulating the present proceedings gives the Justices no power to enforce the production of the ballots, and that the only forum having this power is the District Court, Supreme Court, or the General Assembly. All the power given us in taking the depositions herein is given by the 40th Section of the Election Laws, Swan and Critchfield, Volume 1, page 510, and which is to issue subpoenas, and after to hear and certify all the testimony, &c.

We have no authority to send for papers or to enforce their production. It has been decided, as I learn by Judge Cox in the case of Warrington vs. Peck, that only a competent Court can interfere with the custody of the ballot-boxes and ballots.

We are not such a Court, and in my judgment, acting under the provision of the act of May 3, 1852